USING THIS GUIDE

CITATIONS

Authorities cited in this Guide include the Campaign Finance Regulation and the Kentucky Administrative Regulations. All statutory citations are to Chapter 121 of the Kentucky Revised Statutes. All citations to regulations are to the Kentucky Administrative Regulations Title 32. The phrase "Campaign Finance Law" as used in this Guide means the statutory and regulatory provisions and case law addressing Campaign Finance in Kentucky.

ABBREVIATIONS USED THROUGHOUT THIS GUIDE

- FCC Federal Communications Commission
- FEC Federal Election Commission
- KAR Kentucky Administrative Regulations
- KRS Kentucky Revised Statutes
- PAC Political Action Committee or Permanent Committee

GETTING MORE HELP

Advisory Opinions

KRS 121.135

Any person or group requiring a clarification of the Kentucky campaign finance law regarding a specific activity that they plan to undertake may request an advisory opinion from the Registry. Advisory Opinion requests should be addressed to the General Counsel, Kentucky Registry of Election Finance, 140 Walnut Street, Frankfort, KY 40601. The Advisory Opinion process is explained in greater detail on page 102.

Registry Staff Assistance

Many questions about Kentucky campaign finance law do not require formal advisory opinions. Such questions may be addressed to trained Registry staff members by calling the Registry. The telephone number is 502-573-2226.

Resources permitting, staff is also willing to attend meetings and events to train individuals about Kentucky campaign finance law.

Free Publications

In addition to this Guide, the Registry publishes brochures and other publications on several aspects of Kentucky campaign finance law. These publications are prepared for all persons who may become subject to Kentucky campaign finance law, whether they are seeking office for the first time, seasoned veterans of the political process, or members of the general public who have an interest in participating in campaigns.

Internet Web Site

Many of our publications and forms are available at:

URL: http://www.state.ky.us/agencies/kref/krefhome.htm

The following items are also available:

Registered PACs in Kentucky

Advisory Opinions

Legal References (KRS; KAR)

Candidates Currently Running for Office

Candidates - Winners in the Previous Election

Information on Electronic Filing

Board Members

Frequently Asked Questions

Current Items of Interest

Links to the Secretary of State, Board of Elections, FEC, other State

Election Offices and the National Parties

Important Notice

This Guide is intended as a general reference tool and in no way supersedes statutory law or administrative regulations promulgated by the Registry. The Registry recommends a complete reading of the campaign finance laws contained in KRS Chapter 121, and the rules contained in Kentucky Administrative Regulations, Title 32.

Notes:		

Becoming A Candidate

CANDIDATE

KRS 121.015(8)

"Candidate" means any person who has received contributions or made expenditures, has appointed a campaign treasurer, or has given his consent for any other person to receive contributions or make expenditures with a view to bringing about his nomination or election to public office, except federal office.

WHO IS A CANDIDATE?

A person is considered a candidate when one of the following has been completed: (1) Raise and/or spend money (even his or her own) to bring about his or her nomination or election. (2) File a Letter of Intent with the Registry. (3) File proper documents (notification and declaration/nominating petition or write-in intent) for ballot access with the filing officer (Secretary of State or local County Clerk).

HOW DO I START?

KRS 118.165(1); 121.015(8)

As stated above you may notify the Registry by letter or you may officially file (no earlier than the first Wednesday after the first Monday in November of the year preceding the year the office will appear on the ballot) with your filing officer to obtain ballot access.

You must do one of the above prior to accepting contributions or making expenditures. This includes the use of the candidate's own money. See page 48 for instructions on opening a bank account.

Letter of Intent (Option 1)

If you wish to start your campaign before you are allowed to officially file for ballot access with the Secretary of State or County Clerk, you may file a Letter of Intent with the Registry. The notice shall include the candidate's name, birth date, mailing address, phone number, the office the candidate plans to seek, the year in which the election will be held, the treasurer's name, mailing address and the phone number. Also, include the name and address of the financial institution where the campaign depository will be.

See the following page for a sample "Letter of Intent".

SAMPLE LETTER OF INTENT

Date

Kentucky Registry of Election Finance 140 Walnut Street Frankfort, KY 40601

Dear Registry:

This letter is to inform you that it is my intention to begin raising and/or spending money to run in the **2002** election, for the office of **Magistrate – 3**rd **district**, in **the County of Franklin**. It is my intent at this time to spend **more than \$3,000** during the election. Listed below is the information required.

Candidate Information:

Name
Address
Telephone Number
Alternate Telephone Number
Date of Birth
Party Affiliation (if the race for which you are filing is partisan)

Treasurer Information:

Name Address Telephone Number Alternate Telephone Number

Bank Depository:

Name Address

If you have any questions, please contact me.

Sincerely,

Candidate's Name

What Must I Do to Officially Gain Ballot Access? (Option 2) Declaration of Notification (Filing papers)

File proper documents (notification and declaration/nominating petitions or write-in intent) with Secretary of State or County Clerk not earlier than the first Wednesday after the first Monday in November of the year preceding the year the office will appear on the ballot.

These forms can be obtained from the Office of the Secretary of State or your Local County Clerk.

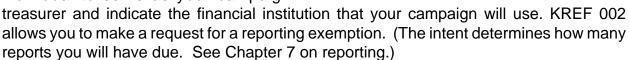
IS THERE ANYTHING ELSE I MUST FILE?

KRS 121.160; KRS 121.180

Appointment of Campaign Treasurer (KREF 001) and Statement of Intent (KREF 002)

At the time you officially file with the Secretary of State or County Clerk for ballot access, you must file an Appointment of Campaign Treasurer (KREF 001) and a Statement of Intent (KREF 002). The Registry is notified of your official filing by receiving these forms. The Secretary of State or County Clerk will forward these forms to the Registry.

KREF 001 is used to designate an individual to serve as your campaign



You may appoint any registered Kentucky voter as your campaign treasurer, or you may decide to be your own treasurer. Judicial candidates see page 11.

The Secretary of State or County Clerk will retain the originals, provide you with a copy of the forms and forward a copy to the Registry. Do not send the forms directly to the Registry. The Registry Staff cannot accept them unless they have first been filed with the appropriate filing officer.

See the next page for a sample of the "Appointment of Campaign Treasurer" and page 8 for a sample of the "Statement of Intent."



APPOINTMENT OF CAMPAIGN TREASURER

Please Type or Print

KREF 001

This form does not constitute registering a campaign committee This form does not constitute registering a campaign committee
CANDIDATE INFORMATION (Candidate is responsible for notifying the Registry of any change of information.)
Candidate's Name
Candidate's Mailing Address City State Zip
_()
Optional - Additional method of contact (Ex.: E-Mail address; FAX number; other phone number)
Candidate's Date of Birth
ELECTION INFORMATION
Date of Election: This is a: q Primary Nomination q General Election q Special Election or Election to fill a 1 Unexpired Term
This is a. q. Filmary Normination q. General Election q. Special Election of F. Scilc (to fill 7.) Onexpired Term
Office sought in this election *(*Please specify District and/or Divisic number when applicable)
This election will be run as: q Partisan* q Non-Partisan *If Partisan race, please indicate party affiliation:
q Democrat q Republican q Independent q Other (Specify)
Are you the incumbent candidate for this office? q 'cs q No
Are you filing as a write-in candidate? q 'es q No
TRE/SUR (AND DEPOSITORY INFORMATION) (The candidate is responsible for giving the Registry written notice within three (3) days of change of campaign treasurer.)
Treasurer's Name (Liote. If serving as own treasurer, enter "Self". If seeking judicial office, see note at right.)
Treasurer's Mailing Julines City State Zip
_()
Optional - Additional method of contact (Ex.: E-Mail address; FAX number; other phone number)
Name of Financial Institution intended for use as Campaign Depository (Depository necessary even if acting as own Treasurer)
CANDIDATE'S SIGNATURE
CANDIDATE'S SIGNATURE I hereby certify the foregoing is my act and deed this day of
Candidate's Signature

REGISTRY USE

FILING OFFICER USE ONLY:

Secretary of State or County Clerk:

*White copy - attach to filing papers.

*Canary copy - send immediately to the REGISTRY.

> *Pink copy - to the candidate.

Check the block below to verify that this form was filed with the

SECRETARY q OF STATE

COUNTY CLERK q

County

Date

Note to judicial candidates:

Judicial Ethics Opinion JE-55 states that a judicial candidate should not designate himself or herself as campaign treasurer.

Remember to complete a **Statement of Intent** form.

KENTUCKY REGISTRY OF ELECTION FINANCE

.

140 Walnut Street Frankfort, KY 40601 (502) 573-2226 FAX (502) 573-5622

•

STATING YOUR INTENT MAY ALLOW YOU TO FILE FEWER FINANCIAL REPORTS.

KRS 121.180

Statement of Intent (KREF 002)

At the time you officially file with the Secretary of State or County Clerk for ballot access, you may file a Statement of Intent (KREF 002). The number of campaign finance reports a candidate is required to file is determined by the amount of money **raised or spent** in an election.

Think carefully before executing the *Statement of Intent*. If you exceed the limit, you may be fined. The form is designed so that you may state your intention for both the Primary and General elections.

(Option 1) Intent to raise or spend over \$3,000

You will **not** be exempted from reporting. You will be required to file all pre-election and post-election reports. Depending on when you filed for office this could include:

Quarterly Reports (in the year preceding the election) 32-Day, and 15-Day Pre-Election Reports 30-Day Post-Election Report * (See note below.)

(Option 2) Intent to raise or spend \$3,000 or less

You will only be required to file one campaign finance statement.

30-Day Post-Election Report *(See note below.)

See Page 9 for Exception

(Option 3) Intent to raise or spend \$1,000 or less

No Campaign Finance Reports are due.

See Page 9 for Exception

Note:

*60-Day Post-Election Report (may be due if 30-Day Post-Election Report reflects a surplus or debt, see page 69)

Annual (due if 60-Day Post-Election Report reflects a surplus or debt)

See Chapter 7 for specific dates. See next page for a sample of the "Statement of Intent" form.

STATEMENT OF INTENT

Please Type or Print

INSTRUCTIONS AND INFORMATION ABOUT THIS FORM:

DEADLINES:

For candidates with a January filing deadline: The Statement of Intent for the primary nomination must be filed with the officer who receives your filing papers no later than the filing deadline for the primary. To revoke or change your statement of intent for the primary, you must complete KREF 003, Revocation of Statement of Intent no later than fifteen (15) days after the filing deadline for the primary.

For candidates winning the primary nomination: If you have not already filed your Statement of Intent for the general election, it must be filed with the officer who received your filing papers no later than twenty-five (25) days after the date of the primary. To revoke your statement of intent, you must complete KREF 003, Revocation of Statement of Intent no later than twenty-five (25) days after the date of the primary.

For candidates with an August filing deadline: The Statement of Intent for the general election must be filed with the officer who receives your filing papers no later than the filing deadline for the general election. To revoke or change your statement of intent, you must complete KREF 003, Revocation of Statement of Intent no later than fifteen (15) days after the filing deadline for the general election.

EXCEEDING LIMIT:

Candidates for county offices, city offices, or school board races. May exceed the financial limit chosen without filing a KREF 003, Revocation of Statement of Intent. However, you must begin filing all applicable financial reports due or be subject to late reporting fines.

FOR ALL OTHER CANDIDATES:

If you fail to revoke or change this statement of intent by the deadlines given above, and you exceed the financial limit you have chosen, you shall be guility of a Class D Felony.

OPTION	1	:
--------	---	---

I intend to raise/spend more than \$3,000. I understand that I will have three (3) campaign fianance reprosedue. Thirty-wo (32) and fifteen (15) days before and no later than thirty (30) days after the election(s) I have indicated. I further understand that if now not adhere to the instructions and information as stated above, I shall be guility of a Class D Felony.

q Intent for the Primary Nomination

q Intent for the General Election

q Intent for the Primary AND General

OPTION 2:

I intend to raise/spend \$3,000 or less. I understand that I will have one campaign fianance report due no later than thirty (30) days after the election(s) I have indicated. I further understand that if I do not adhere to the instructions and information as stated above, I shall be guility of a Class D Felony.

q Intent for the Primary Nomination **q** Intent for the Gener Election

q Intent for the Primary AND General

OF TON' 3:

I intend to raise/spend \$1,000 or less. I understand that I will have no care aign finance reports due for the election(s) I have indicated. I further understand that if I do not adhere to the instructions and information as care above, I shall be guility of a Class D Felony.

q Intent for the Primary

Candidate's Signature and Date

q Ir tent for the General Election

 \boldsymbol{q} -Intent for the Primary AND General

CAREFULLY REAL 1.1E FO LOWING - BE SURE YOU UNDERSTAND BEFORE SIGNING

I have elected to raise/spend \$1,000 or less, the 'efore, I would like to use my own personal bank account as my campaign depository account. I will serve as my own treasurer and **WILL NOT** excr. '\$1,000. By signing on the line below, I give my permission* for the Registry to audit my personal bank account if necessary.

*NOTE: Permission for audit will apply to the election(s) indicated in this section.

		•

KENTUCKY REGISTRY OF ELECTION FINANCE

140 Walnut Street; Frankfort, Kentucky 40601 ... (502) 573-2226 FAX (502) 573-5622 ...

FILING OFFICER USE ONLY:

Secretary of State or County Clerk:

*White copy - attach to filing papers.

*Canary copy - send immediately to the REGISTRY.

*Pink copy - to the candidate.

WHAT IF I CHANGE MY MIND ABOUT THE INTENT?

KRS 121.180

After filing your Statement of Intent if you change your mind about the amount of money you intend to raise/spend you may start fresh by revoking your first statement and electing a new option. The revocation must be filed in a timely manner with your filing officer or you will be bound by the original statement.

Exception: Candidates for county, city, or school board races may change their mind at any time, but must then begin filing all applicable reports or be subject to late reporting fines.

Revocation of Statement of Intent (KREF 003)

To change your intent for the primary election the revocation must be filed with the filing officer who received your filing papers no later than 15 days after the filing deadline for the primary.

To change your intent for the general election, the revocation form must be filed with the same officer no later than 25 days after the date of the primary election.

If you have an August filing deadline the revocation must be filed no later than fifteen days after the filing deadline for the general election.

See Chapter 7 for specific dates.

See next page for a sample of the "Revocation of Statement of Intent" form.

Notes:			

REVOCATION OF STATEMENT OF INTENT

Please Type or Print

INSTRUCTIONS AND INFORMATION ABOUT THIS FORM:

DEADLINES:

For candidates with a January filing deadline: The Revocation of Statement of Intent for the primary nomination must be filed with the officer who receives your filing papers no later than fifteen (15) days after the filing deadline for the primary.

For candidates winning the primary nomination: The Revocation of Statement of Intent must be filed with the officer who received your filing papers no later than twenty-five (25) days after the date of the primary.

For candidates with an August filing deadline: The Revocation of Statement of Intent for the general election must be filed with the officer who receives your filing papers no later than fifteen (15) days after the filing deadline for the general election.

OPTION 1:

SEE BOX AT RIGHT

q I hereby revoke my previous intent to raise/spend more than \$3,000.

q I now intend to raise/spend \$1,000 or less. I understand that I will have no campaign finance reports due for the election(s) I have indicated.



q I now intend to raise/spend \$3,000 or less. I understand that I will have one campaig in finance report due no later than thirty (30) days after the election(s) I have indicated.

I further understand that if I do not adhere to the instructions and information as stated a ove, I shall be guility of a Class D Felony.

q Intent for the Primary Nomination

q Intent for the General Election

q Intent for the Primary AND General

q This hange is in esponse to a write-in or independent opposition

OPTION 2:

SEE BOX AT RIGHT

q I hereby revoke my previous intent to raise/spend \$3,000 or le. s.

I now intend to raise/spend \$1,000 or less. I understand . " will have no campaign finance reports due for the election(s) I have indicated.



I now intend to raise/spend more than "..., 100. I understand that I will have three (3) campaign finance reports due Thirty-two (32) and fifte in (15) days before and no later than thirty (30) days after the election(s) I have indicated.

I further understand that if I do not adhere to the instruction, and information as stated above, I shall be guility of a Class D Felony.

q Intent for the Primary Nomination

q Intent for the General Function

Intent for the Primary AND General

q This change is in response to a write-in or independent opposition

OPTION 3:

NOTE: With selecting this option, you must now open a bank account for your campaign. You may not use your personal account.

q I hereby revoke my μι νιο intrit to raise/spend \$1,000 or less.

q I now ... and to r. ice/spend \$3,000 or less. I understand that I will have one campaign finance report due to later, than thirty (30) days after the election(s) I have indicated.

range in any in end to raise/spend more than \$3,000. I understand that I will have three (3) campaign inance cooks due Thirty-two (32) and fifteen (15) days before and no later than thirty (30) days after the electic (s) I have indicated.

I further undersund that if I do not adhere to the instructions and information as stated above, I shall be guility of a Class D Felony.

q Intent for the Primary Nomination

q Intent for the General Election

q Intent for the Primary AND General

q This change is in response to a write-in or independent opposition

Candidate's Name Candidate's Name Candidate's Date of Birth Office sought in this election: * (*Please specify District and/or Division number when applicable) Date Signed Candidate's Signature

KENTUCKY REGISTRY OF ELECTION FINANCE

140 Walnut Street, Frankfort, Kentucky 40601 - (505) 573-2226 - FAX (502) 573-5622

CAREFULLY READ THE FOLLOWING -

BE SURE YOU UNDERSTAND BEFORE SIGNING

I have elected to raise/spend \$1,000 or less, therefore, I would like to use my own personal bank account. I will serve as my own treasurer and WILL NOT exceed \$1,000. By signing on the line below, I give my permission* for the Registry to audit my personal bank account if necessary.

q for the Primary Nomination

q for the General Election

q for the Primary AND General

Candidate's Signature

Date Signed

*NOTE: Permission for audit will apply to the election(s) indicated in this section.

FILING OFFICER
USE ONLY:

Secretary of State or County Clerk:

*White copy - attach to filing papers.

*Canary copy - send immediately to the REGISTRY.

*Pink copy - to the candidate.

POLITICAL COMMITTEE REGISTRATION AND WAIVER FROM FILING KRS 121.170

Political Committee registration is optional. If a candidate authorizes the registration of a campaign committee to act on his or her behalf, a Political Committee Registration form (KREF 010) must be filed with the Registry to provide the necessary information as to the organization of the committee. The form must be signed by the chairman and the treasurer of the committee, who must be separate persons, and by the candidate.

Also, candidates must sign a Waiver From Filing Candidate Election Finance Statements (KREF 011) if they wish to be relieved of the personal responsibility for filing finance reports. If no waiver is signed, the individual will be responsible for filing his or her reports as the candidate, and the committee will also be required to file reports.

All provisions of KRS Chapter 121 governing the duties and responsibilities of a candidate or campaign treasurer shall apply to a candidate's campaign committee. Committee registration forms are available from the Registry and when completed are filed directly with the Registry.

Political Committee Registration for Judicial Candidates SCR 4.300 Canon 5B.(2); JE-94

A candidate for judicial office should be aware of the interpretation of the Code of Judicial Conduct that prohibits a judicial candidate from serving as his or her own treasurer. However, there is an exception. JE-94 states that "if a judicial candidate is unopposed for election and does not intend to raise or accept any money, he or she may be his or her own treasurer".

[A] judge or a candidate for judicial office shall not solicit campaign funds, but may establish committees of responsible persons to secure and manage the expenditure of funds for the campaign and to obtain public statements of support for the candidacy. A candidate's committees may solicit funds for the campaign no earlier than 180 days before a primary election. A candidate's committees may not solicit funds after a general election (See KRS 121.150). A candidate shall not use or permit the use of campaign contributions for the private benefit of the candidate or member of the candidate's family. SCR 4.300 Canon 5B.(2)

See the next three pages for a sample of the "Political Committee Registration Form" and the "Waiver From Filing Candidate Campaign Finance Report".

KENTUCKY REGISTRY OF ELECTION FINANCE

REGISTRY USE

140 Walnut Street, Frankfort, KY 40601 (502) 573-2226 FAX (502) 573-5622

KREF010	POLITICAL COMMITTEE REG	ISTRATION :	
	Please type or print		Date Received
	e - Do not include candidate's name in committee name onyms are permitted but full title from which derived mu	•	
		, ,	Date Approved
Mailing address (including city, state and zip)	Daytime Telephone Number	•••••
	f sponsor, the specific source of funds and the pulist the major business, social, or political interest		ered. (Permanent
Date committee p	plans to be active:	This committee is being organized	as a: (check one)
	mittee use "Indefinite")	q CAMPAIGN COMMITTEE (for a election campaign) KRS 121.015(3	•
From:			
Through:		q PERMANENT COMMITTEE for selected basis functioning ππος ho KRS 121.015(3)(c).	
	NOTE: The chairman and the treasurer of a cor	mmittee shall be separate person. KRS 121.	170(4)
CHAIRMAN INFO	DRMATION:	Daytime Telep. one Nur ber: (_)
		Home relephone rumber: ()
Name			
Mailing address (including city, state and zip)	^	
TREASURER INF	FORMATION:	Daytime Telephone Number: (_)
	\sim	Home Telephone Number: (_)
Name			
Mailing address (including city, state and z _I ,		
	FINANCI/ L RECORL TINFORMATION:	Daytime Telephone Number: (_)
(if other than treasu	irer)	Home Telephone Number: ()
Name			
Mailing address (including city, state and zip)		

12 Revised 03/97

This Section to be completed by Campaign Committees Only Candidate to be supported by committee: Date of Birth Party Affiliation Name Mailing Address (Including city, state and zip) Office Sought Does the candidate's name appear in the name of the committee? No ___ Has the candidate approved the use of his name? Yes _ (See Candidate's Authorization Box at bottom) No This Section to be completed by Political Issues Committees ONLY Constitutional amendment or public question to be advocated or opposed - KRS 121.7 (5(3) b): This committee q Supports or **opposes** the above lister, consitutional amendment or public question. This Section to be completed by ALL Committees Primary Depository - Designate depository be or final cial institution in which the committee will maintain its funds. Name of bank or institution Mailing Address (Including city, s ate and zip) VERIFICATION BY O'... Y CX AFFIRMATION We, the undersigned state that we are the Chairman and Treasurer of the above described committee and this Political Committee Registration is true, correct and complete. Signature of Chairman Date Signature of Treasurer Date **CANDIDATE'S AUTHORIZATION - (If Applicable)** hereby authorize the use of my name by this committee. Print Candidate's Name Signature of Candidate Date

KENTUCKY REGISTRY OF ELECTION FINANCE

140 Walnut Street, Frankfort, KY 40601 (502) 573-2226 FAX (502) 573-5622

REGISTRY USE

KREF011

WAIVER FROM FILING CANDIDATE

	ELECTION FINANCE STATEMENT	•
NOTE: This f	form to be filed only by candidates who have an authorized campaign committee registered on their beh	alf.
Candidate N	Name	//
		, -
Mailing addre	ess (including city, state and zip)	Telephone Number
State the nar	me of the authorized committee registered on behalf of candidate	
	30(9) relieves a candidate of the personal responsibility in fing a CANDIDATE ELECTION FI of the following conditions are met:	NANCE STATEMENT
1.	The candidate has an authorized compaign committee.	
2.	The candidate shall surrender posses sion or any contribution to the treasurer of the princip within five (5) business days.	al campaign committee
3.	Contributions received by check, money order or other written instrument shall be endorsed and shall not be carned, 'leposited or used in any way by the candidate.	d directly to the committee
4.	No contribution hall be comingled with the candidate's personal funds or accounts.	
5.	The candidate of all put make any unreimbursed expenditure for his campaign. However, the candidate from making an expenditure from his personal funds to the authorized campaign repulsed by the committee as a contribution received from the candidate.	
6	This wavier shall continue in force only as long as the candidate complies with the condition	ns set forth above.
iling the CAN	the above stated conditions. I further understand that as long as I comply with these conditions NDIDATE ELECTION FINANCE STATEMENT. I will immediately notify the Registry if I can no load I will file any reports required by KRS Chapter 121.	

Distribution: White copy to Registry - Canary copy to Candidate

Signature of Candidate

Date signed

ACKNOWLEDGEMENT OF CANDIDATE'S INTENT/FILING

Candidates who submit a Future Year letter, will receive an acknowledgement letter from the Registry.

When the candidate officially files for office with the Secretary of State or the County Clerk, the filing officer will forward the Registry a copy of the "Appointment of Campaign Treasurer" and the "Statement of Intent".

After the filing deadline, the Registry will send a letter to all candidates who elected to spend over \$1,000 and who have campaign finance reports due. The letter will inform the candidate of his or her identification number and campaign filer number. The campaign filer number should be used on all campaign finance reports and correspondence to the Registry.

The campaign filer number changes for each election. The Primary and General are two separate elections. Successful primary candidates and August filers will receive notification of general filer numbers.



NOTES: